

District of Maryland

v.

CLERK'S OFFICE
AT BALTIMORE
Case No. 1
BY _____ DEPUTY

13-2418 SKG

Printed name and title

**IN THE UNITED STATES COURT FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your Affiant, Special Agent, Robert Swain III, deposes and states as follows:

1. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code, that is, an officer empowered by law to conduct investigations of, and make arrests for, offenses enumerated in 18 U.S.C. § 2516. Your affiant, Robert Swain III, is a Special Agent (SA) of the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), in Baltimore, Maryland.
2. Your affiant has been a duly sworn Special Agent since 2003. Your affiant is currently assigned to the High Intensity Drug Trafficking Area (HIDTA) Port Group. During his tenure as an HSI Special Agent, your affiant has participated in numerous investigations and arrests involving narcotics smuggling and other unlawful activities. These investigations have included the use of surveillance techniques, information analysis and the execution of search, seizure, and arrest warrants. Your affiant has attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center as well as Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center. Your affiant is familiar with the facts and circumstances of the investigation.

3. This affidavit is submitted in support of a criminal complaint charging **Victor Alfonso Huertas MARTINEZ**, date of birth: 08/29/1988, with possession with intent to distribute 5 kilograms or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

4. Because this Affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. I have not, however, excluded any information known to me that would defeat a determination of probable cause. The information contained in this Affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals. All conversations and statements described in this Affidavit are related in substance and in part unless otherwise indicated.

PROBABLE CAUSE

5. On 10/8/13 at approximately 1145 hours HSI Baltimore was contacted by the Maryland State Police (MSP) Proactive Criminal Enforcement (PACE) Team regarding a traffic stop of a 2005 Ford Explorer displaying Pennsylvania registration JDM5874. The vehicle was stopped for speeding, travelling south bound on I-95 at mile marker 98.7 near Perryville, MD. During the traffic stop, the operator, **Victor Alfonso Huertas MARTINEZ (hereinafter MARTINEZ)**, gave consent to search his vehicle. **MARTINEZ** stated that he understood the form and gave written consent to search his vehicle.

During the search of the vehicle MSP located a false compartment constructed

underneath the cup holders of the center console between the front bucket seats. A brick-like package was observed beneath the center console. **MARTINEZ** was arrested and the search was continued. Two kilograms of cocaine and \$10,000 of United States currency were discovered inside the compartment. The bricks were field-tested and found to be positive for cocaine. Shortly after being placed in a marked MSP patrol car, **MARTINEZ** attempted to escape by jumping out of the patrol car and running. **MARTINEZ** was subdued by MSP and then safely secured and transported to the MSP JFK Barracks. HSI Baltimore Special Agents (SA) Robert Swain and Milton Lynn responded to the MSP JFK Barracks to investigate the possession and transportation of cocaine. While at the JFK Barracks, the search of the vehicle was continued with the assistance of SA Lynn. A second compartment was located inside of a large speaker box in the rear of the Explorer. The compartment was opened and four additional kilograms of cocaine were recovered. The cocaine was weighed and determined to be approximately 6.74 kilograms. The currency was counted and determined to be \$10,000.00.

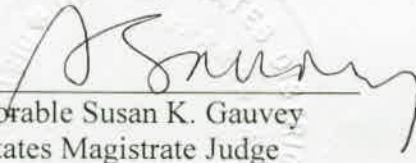
The US currency and the Ford Explorer were seized by the Cecil County Task Force. HSI Baltimore seized the 6.7 kilograms of cocaine. Your affiant knows, based on his training, knowledge, and experience that the cocaine was worth in excess of \$125,000 and was not consistent with personal use, but rather intended for distribution.

6. Based on the foregoing, I submit that there is probable cause to believe that **Victor Alfonso Huertas MARTINEZ** did possess with intent to distribute 5 kilograms of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.



Robert J. Swain III
Special Agent, Homeland Security Investigations

Subscribed and sworn before me this 9 day of October, 2013.



The Honorable Susan K. Gauvey
United States Magistrate Judge